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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,256	04/24/2000	Shlomit Botton-Dascal	6727/0H037	8502

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Darby & Darby PC
805 Third Avenue
New York, NY 10022

EXAMINER	
LAMARRE, GUY J	
ART UNIT	PAPER NUMBER
2133	

DATE MAILED: 04/01/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,256

Applicant(s)

BOTTON-DASCAL ET AL.

Examiner

Guy J. Lamarre, P.E.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **1** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-39 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4, 7, 19-22, and 33-35, drawn to Transmission Facility Testing, classified in class 714 subclass 712.
- II. Claims 5, 12-15, 23-24, 28-30 and 38, drawn to Time Delay and Interval Monitoring, classified in class 714, subclass 815.
- III. Claims 6, 8-11, 25-27 and 36-37, drawn to Test pattern with comparison, classified in class 714, subclass 715.
- IV. Claims 16-18, 31-32 and 39, drawn to Timing, classified in class 713, and subclass 600.

1.1 The inventions are distinct, each from the other because of the following reasons:

Inventions I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, all inventions I-IV have separate respective utility such as use in Transmission Facility Testing, in Time Delay and Interval Monitoring, in testing via pattern comparison and in Timing. See MPEP § 806.05(d).

1.2 Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

1.3 Examiner was advised, via a telephone interview with Peter Ludwig on 24 & 27 March 2003, to formulate such restriction requirement.

1.4 Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the



EXPRESS MAIL CERTIFICATE

Date 04-04-03 Label No. EV294038042US
I hereby certify that, on the date indicated above, this paper or
fee was deposited with the U.S. Postal Service & that it was
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Patricia A. Rubio
Signature

4-7-03
2184
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07278

PATENT TRADEMARK OFFICE

Docket No.: 6727/OH037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shlomit BOTTON-DASCAL, et al.

Serial No.: 09/557,256

Art Unit: 2784

Confirmation No.: 8502

Filed: April 24, 2000

For: ANALYSIS OF NETWORK PERFORMANCE

RECEIVED

APR 09 2003

Technology Center 2100

April 4, 2003

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

This Information Disclosure Statement is submitted in accordance with
37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this
statement and in the listed documents be considered during the pendency of the
above-identified application, and any other application relying on the filing date of